

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1513.00
COMPLAINT INVESTIGATOR:	Demaris Stewart
DATE OF COMPLAINT:	December 22, 1999
DATE OF REPORT:	February 11, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 2, 2000

COMPLAINT ISSUES:

Whether the South Adams Schools and the Adams-Wells Special Service Cooperative violated:

- 511 IAC 7-12-1 with regard to the school's alleged failure to implement the student's individualized education program as required, specifically, requiring the student to participate in physical education in a manner contrary to the doctor's written order.

The Division received this complaint on December 22, 1999, but inadvertently misfiled it. Due to the extenuating circumstances, the deadline for the report was extended to February 11, 2000.

FINDINGS OF FACT:

1. The student (the "Student") is sixteen years old and enrolled in the tenth grade at the local high school (the "School"). The Student is eligible for special education and related services as a student with learning disability.
2. The complainant (the "Mother") alleges the Student was required by the physical education teacher to perform physical activity that was contrary to the doctor's instruction.
3. There has been three prescription written by the Student's doctor:
 - The first prescription was written January 29, 1999. The Student's doctor had written a prescription for the Student to be excused from running or sprinting, instead rapid walking or a slow jog.
 - The second prescription was written November 4, 1999. The prescription stated the Student needs no hard exercise, only slow jogging. No more than fifteen minutes. This note is good for one year.
 - The third prescription was undated and it indicated the Student is to have no physical education class until November 22, 1999
4. The IEP dated March 26, 1999, states the Student shall be allowed fifteen minutes at one time for slow jogging or rapid walking.
5. The Student was enrolled in physical education class between November 25, 1999 and January 25, 2000. At the beginning of the School year, when the weather was still nice and the class would go outside, the physical education teacher recalls that the Student did try some jogging. The physical education teacher indicated that after receiving the doctor's note the Student did not do any jogging

in class, even though the doctor's note states the Student is allowed fifteen minutes of slow jogging. The Student was never required to participate beyond what the doctor's statement allowed.

CONCLUSION:

1. Findings of Fact #2 and #3 indicate that the Student's IEP does reflect the modifications prescribed in the doctor's written order and that the School did not require the Student to participate in physical education activities in a contrary manner other than prescribed. Therefore, no violation of 511 IAC 7-12-1 occurred.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusion listed above.